



ENZO BIOCHEM, INC.
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OFFICE OF PETITIONS

In re Application of :
Dakai Liu et al. :
Application No. 09/046,840 :
Filed: March 24, 1998 :
Attorney Docket No. ENZ-56(DIV3) :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)¹, filed September 14, 2005, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on January 8, 2004, for failure to timely file a reply to the final Office action mailed October 7, 2003, which set a three (3) month shortened statutory period for reply. No extensions of time under 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed April 20, 2004.

The present petition under 37 CFR 1.137(b) is accompanied by a Notice of Appeal and an amendment after final rejection.

The Examiner has determined that the amendment filed with the present petition does not place the case in condition for allowance.² Therefore, the Notice of Appeal filed with the petition will be entered. Deposit account no. 05-1135 will be charged in the amount of \$250.00 for the Notice of Appeal.

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

²As a courtesy, a copy of the Advisory Action is included with this decision.

The Notice of Appeal filed September 14, 2005, has been entered and made of record. Accordingly, the two (2)-month period for filing the Appeal Brief, in triplicate, accompanied by the fee required by law, runs from the date of this decision.

The matter is being referred to Technology Center 1636.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with large, connected letters.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions